

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

T-NETIX, Inc.: Joint Application for)	
Streamlined Consent to)	
Domestic and International Transfer of)	
Control)	WC Docket No. 13-79
)	
T-NETIX Telecommunications Services,)	
Inc.: Application for Streamlined Consent)	
to Domestic Transfer of Control)	
)	
Securus Technologies, Inc.: Joint)	
Application for Streamlined Consent to)	
Domestic and International Transfer of)	
Control)	

**OPPOSITION TO THE PETITION TO DENY BY PUBLIC KNOWLEDGE, UNITED
CHURCH OF CHRIST, OFFICE OF COMMUNICATIONS, INC., FREE PRESS, AND
RAINBOW/PUSH COALITION**

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Dated: April 15, 2013

EXECUTIVE SUMMARY

The FCC should approve the Transaction because the Applications simply request approval to transfer equity ownership to a better funded owner with communications expertise, which will enhance competition in the provision of inmate telecommunications services. The Applicants have demonstrated concrete public interested benefits. The Applications involve only a transaction approval issue, and not an inmate rate policy issue. The FCC has previously approved transactions for inmate telecommunications service companies on a streamlined basis, and there is no factual or legal reason to treat this Transaction differently. The Transaction will not negatively impact inmate rates. The Transaction does not pose any risk to competition - neither the transferee nor any of its affiliates currently compete in the inmate service provider sector.

The Petition should be expeditiously dismissed or denied because it is procedurally defective and substantively without merit. The Petition is inappropriate, frivolous and not germane to the issues involved in the Applications. Petitioners have raised no issues that should delay an otherwise common FCC approval, but instead discuss issues already being thoroughly debated in the FCC's pending rulemaking on inmate telephone calling services. The Commission should continue to address concerns regarding inmate calling rates within WC Docket 12-375 and should not allow the Petitioners to hijack a simple transfer of control to further their policy objectives. The Petitioners lack standing to oppose the Applications and file the Petition, and have failed to support their bare allegations as required by the Commissions' rules.

Therefore, Applicants respectfully request that the Commission's Wireline Competition Bureau immediately dismiss or deny the Petition and grant the Applications forthwith.

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OPPOSITION TO THE PETITION TO DENY BY PUBLIC KNOWLEDGE, UNITED CHURCH OF CHRIST, OFFICE OF COMMUNICATIONS, INC., FREE PRESS, AND RAINBOW/PUSH COALITION

Securus Technologies, Inc., T-NETIX, Inc., T-NETIX Telecommunications Services, Inc., Connect Acquisition Corp (“Connect”) and Securus Investment Holdings, LLC (“SIH”) (collectively “Applicants”),¹ acting through counsel and in accordance with Section 1.45 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, hereby oppose the Petition to Deny (“Petition”) the above captioned Applications for Streamlined Consent to Domestic Transfer of Control (“Applications”) filed by Public Knowledge, United Church of Christ, Office of Communications, Inc., Free Press, and Rainbow/PUSH Coalition (collectively, “Petitioners”).²

¹ Securus Technologies, Inc. (“Securus”), T-NETIX, Inc. (“T-NETIX”), and T-NETIX Telecommunications Services, Inc. (“T-NETIX Telecom”) are collectively referred to as the (“Securus Entities”).

² T-NETIX, INC.: *Joint Application for Streamlined Consent to Domestic and International Transfer of Control*, T-NETIX Telecommunications Services, Inc.: *Application for Streamlined Consent to Domestic Transfer of Control*, Securus Technologies, Inc.: *Joint Application for Streamlined Consent to Domestic and International Transfer of Control*, Public Knowledge, United Church of Christ, Office of Communication, Inc., Free Press, and Rainbow/PUSH Coalition Petition to Deny Applications, WC Docket No. 13-79 (filed April 11, 2013).

Applicants respectfully request that the Commission's Wireline Competition Bureau ("Bureau") immediately dismiss or deny the Petition and grant the Applications forthwith.³

In addition, the Petition is inappropriate, frivolous and not germane to the issues involved in the Applications. The Petition raises issues already being thoroughly debated in the FCC's pending rulemaking on inmate telephone calling services, and the Petitioners are active participants in that proceeding.⁴ The Commission should continue to address concerns regarding inmate calling rates within WC Docket 12-375 and should not allow the Petitioners to hijack a simple transfer of control to further their policy objectives. The Petitioners lack standing to oppose the Applications and have failed to support their bare allegations as required by the Commission's rules.⁵

I. SUMMARY

As demonstrated below:

- The FCC should approve the Transaction because the Applications simply request approval to transfer equity ownership to a better funded owner that can provide increased financial resources to the Applicants. **The Applications involve only a transaction approval issue, and not an inmate rate policy issue.** The FCC has previously approved transactions for inmate telecommunications service companies on a streamlined basis, and there is no factual or legal reason to treat this Transaction differently.
- The FCC should approve the Transaction because **Petitioners have raised no issues that should warrant any delay;**

³ The Petition is frivolous and should be stricken by the Bureau. See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996) ("A pleading may be deemed frivolous under 47 C.F.R. § 1.52 if there is no 'good ground to support it' or it is 'interposed for delay.'"); *Applications of White Park B'cstg., Inc.*, Memorandum Opinion and Order, 24 FCC Rcd 3549, 3569 ¶ 31 (Media Bur. 2009) ("The crucial consideration in determining whether any pleading is in the nature of a strike petition is whether it was filed for the primary purpose of delay. In making such a determination, the Commission considers a number of factors, including the absence of any reasonable basis for the allegations raised in the pleadings.").

⁴ *Rates for Interstate Inmate Calling Services*, Notice of Proposed Rulemaking, WC Docket No. 12-375, 27 FCC Rcd 16629 (2012) ("*Inmate Rate Rulemaking*").

⁵ 47 C.F.R. § 1.939(d).

- The FCC should approve the Transaction because, notwithstanding Petitioner's incorrect assertions to the contrary, **the Transaction will not negatively impact inmate rates, nor negatively impact inmates, or inmates' family and friends;**
- The FCC should approve the Transaction because **Petitioners' points are not germane to this Transaction; the appropriate forum for Petitioners' points is the *Inmate Rate Rulemaking*** in which Petitioners are actively participating;
- The FCC should approve the Transaction because **Petitioners lack standing** to oppose it; and
- The FCC should approve the Transaction because any **FCC delay will have a chilling effect on the availability and cost of financing to Applicants and other carriers** that serve this market segment.

II. BACKGROUND

The Applicants request approval, on an expedited basis, of the indirect transfer of control of the Securus Entities' domestic and international Section 214 authority through a transaction involving their current parent, Connect, and SIH ("Transaction"). As a result of the Transaction, the Securus Entities will become indirect, wholly-owned subsidiaries of SIH, which is indirectly controlled by ABRY Partners VII, L.P. ("ABRY VII"), an affiliate of ABRY Partners ("ABRY"). ABRY is a Boston-based private equity investment firm focused solely on media, communications, business, and information services investments. In connection with this proposed indirect transfer of control, the Applicants provided the Commission with all information required by the application procedures and Part 63 of the rules.

Following consummation of the proposed Transaction, the Securus Entities will remain separately certificated entities and continue to provide their inmate telephone services as they are presently provided. There will be no transfer of these Entities' assets used in the provision of the services or transfer or assignment of their authorizations. The existing senior management and key personnel of the Securus Entities will continue in their present positions, and there will be no employee layoffs or terminations.

The Transaction will also be seamless and transparent to the Securus Entities' customers who will receive uninterrupted service. There will be no immediate changes in the terms and conditions of the services provided by the Securus Entities. They will continue to market, brand and bill their services as they have been doing.

The proposed Transaction will serve the public interest by ensuring the long-term viability of the Securus Entities by providing the companies with the communications expertise of a sophisticated, knowledgeable investor to their chain of ownership, allowing the Applicants to retain existing experienced operational management personnel, and enhancing the Applicants' financial capabilities. Consummation of the proposed Transaction will help the Securus Entities to continue to provide services to their customers and potentially expand or enhance those services at new facilities.

III. THERE SHOULD BE NO DELAY IN PROCESSING THE APPLICATIONS

The Applications demonstrate in their detailed filings that the Transaction complies with the Communications Act of 1934, as amended and the Commission's rules. The proposed Transaction will be completely transparent to the end user. There will be no changes in rates, terms or conditions of the Securus Entities' services as part of, or as a result of, this Transaction. The management and relevant contact information for the Securus Entities will remain the same. The Transaction poses no potential for competitive harm because the same number of competitors will remain after completion of the Transaction.

The FCC has made it a policy to support the free market and reasonable business expectations.⁶ The Commission has previously found that enhanced financial resources that would

⁶ See, e.g., *Iridium Holdings LLC and Iridium Carrier Holdings LLC, Transferors and GHL Acquisition Corp., Transferee, Applications for Consent to Transfer Control of Iridium Carrier Services LLC, Iridium Satellite LLC, and Iridium Constellation LLC*, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 10725, 10734 ¶ 21 (2009).

ensure the long-term viability of a competitive service provider is a public interest benefit.⁷ The Applicants will have access to substantial financial resources that will allow financing of continued service to the Securus Entities' customers and potentially to enhance or expand services.⁸

The FCC previously approved an analogous parent-level transaction involving these same Entities, concluding that it was in the public interest.⁹ Those applications contained comparable information as what was provided in the current filings. In addition, the showing made in the Applications is consistent with recently granted applications for parent-level transfers of control of other inmate telephone service providers.¹⁰

Delay of this proceeding would harm the Applicants. Any delay could threaten the completion of the transaction by (i) impacting the availability of capital; (ii) increasing the cost of capital; and (iii) resulting in daily penalties for each day the closing is delayed; and, in addition, it could possibly, (iv) lead to termination of the merger agreement or termination of the lenders' financing for the transaction – that, among other reasons, is exactly why the Applicants filed for expedited processing. In addition, if the Bureaus do not expeditiously approve this simple filing for a transfer of control between equity partners, it will have a chilling effect on banks providing funding and private equity firms providing capital to this business sector.

⁷ See, e.g., *id.* at 10736 ¶ 26; see also *Application of WorldCom, Inc. and MCI Communications Corporation for Transfer of Control of MCI Communications Corporation to WorldCom, Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 18025, 18030-31 ¶ 9 (1998) (“MCP”).

⁸ The Petition criticizes the Applications for lack of specifics about its future plans for expansion. However, such information is competitively sensitive and is not required to be disclosed in a public application involving an indirect transfer of control, particularly where the transferee does not even compete in the inmate service provider business.

⁹ *Notice of Domestic Section 214 Authorizations Granted*, WC Docket Nos. 11-68, 11-70, Public Notice, 26 FCC Rcd 7617 (WCB 2011); see also *International Authorizations Granted*, Public Notice, 26 FCC Rcd 6891, 6893-6894 (IB 2011).

¹⁰ See *Notice of Domestic Section 214 Authorization Granted*, WC Docket No. 11-184, Public Notice, 26 FCC Rcd 16410 (WCB 2011).

IV. THERE IS NO “MONOPOLY” SITUATION IMPLICATED BY THIS TRANSFER

Petitioners’ misplaced assertions of “monopoly” suggest that the proposed transaction will affect the structure of the inmate telecommunications market.¹¹ It will not. The Applicants do not control the federal, state or local correctional facility contracting process. They compete for business along with others for contracts to serve confinement facilities. As the Commission well knows, the single provider model for correctional facilities has existed for decades and has been recognized by the Commission for many years.¹² The reality is that nothing in this Transaction will change the contracting process applicable to the entire industry. In addition, the Transaction is not a merger of competing firms and thus will not change the competitive structure of the applicable market.¹³

Moreover, as Petitioners are well aware, the inmate service provider business is generally done on a competitive contract basis. As a result, the Applicants cannot say with certainty where they will expand service because of the unique aspects of providing inmate telephone services. Such data, however, is irrelevant because the transaction does not pose any risk to competition - neither the transferee nor any of its affiliates currently compete in the inmate service provider sector.

¹¹ “[T]he Applicants have provided insufficient information to assess the competitive impact of the transactions.” Petition at 5.

¹² With regard to such calls, it has generally been the practice of prison authorities at both the federal and state levels, including state political subdivisions, to grant an outbound calling monopoly to a single IXC serving the particular prison. This approach appears to recognize the special security requirements applicable to inmate calls. *Billed Party Preference for InterLATA 0+ Calls*, Second Report and Order and Order on Reconsideration, 13 FCC Rcd 6122, 6156 ¶ 57 (1998).

¹³ The Federal Trade Commission granted early termination of the Hart Scott Rodino waiting period by letter dated March 27, 2013. See Letter to Carla A. Hine, Esq., Transaction ID No. 20130695, from Theresa Kingsberry, Legal Assistant, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, March 27, 2013; *Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification*, 78 Fed. Reg. 21604 (April 11, 2013).

Petitioners have provided no evidence that the transaction would diminish competition or reduce the possibility that other providers would enter the inmate service provider business.¹⁴

The transaction involves simply a change in ownership from one private investment firm to another.¹⁵ As such, Petitioners' reliance on the Commission's review of true like-product mergers – the MCI/British Telecom merger and the Echo Star/Hughes merger – is also misplaced.¹⁶ In those transactions, examination of the “competitive effects of [the] proposed merger and whether the merger will enhance competition” was a necessary exercise.¹⁷ In this matter, by contrast, no joining of like firms is taking place, and the transferee will not have any different market share than the Securus Entities presently hold. For these reasons, Petitioners' proposed standard for reviewing the Applications is inapposite and should be rejected.¹⁸

Even if analysis of the relevant market structure were appropriate, the Applications on their face answer any question that the Petitioners can purport to have.¹⁹ No party is exiting the inmate telephone service provider business as a result of the Transaction. The same number of competitors will participate in the relevant markets after the Transaction as participate in it today. The allegation that the Applications lack all information the Commission needs to find no adverse effect on competition is incorrect and should be summarily dismissed. If the Applications were incomplete or

¹⁴ Where “potential harms are unlikely, Applicants demonstration of potential benefits need not be as certain.” *MCI*, 13 FCC Rcd at 18138 ¶ 197 (1998); *Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Southern New England Telecommunications Corporation to SBC Communications, Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 21292, 21315 ¶ 45 (1998).

¹⁵ See, e.g., *T-NETIX, Inc.: Joint Application for Streamlined Consent to Domestic and International Transfer of Control*, Joint Application for Expedited Approval of Indirect Transfer of Control, WC Docket No. 13-79, at 3, 5 ¶¶ 5, 8 (filed March 15, 2013) (“T-NETIX Application”).

¹⁶ Petition at 4 (quoting *Applications of Echo Star Communications Corp.*, 17 FCC Rcd 20559 (2002)); *id.* at 5 (quoting *Merger of MCI Communs. Corp. and British Telecommuns. PLC*, 12 FCC Rcd 15351 (1997) (“MCI/British Telecom”).

¹⁷ *MCI/British Telecom*, 12 FCC Rcd at 15367 ¶ 34.

¹⁸ As discussed in detail above, however, the Transaction easily meets the public interest standard.

¹⁹ “In this case, it is currently impossible to know.” Petition at 5.

insufficient, they would not have been accepted for filing and put on public notice for streamlined processing.

V. INCORRECT SPECULATIONS REGARDING ABRY ARE NOT A BASIS FOR DENIAL

The Petition incorrectly implies that Applicants have not sufficiently disclosed “other, potentially complementary holdings of ABRY, Inc.”²⁰ As required by Section 63.04(a)(7) of the rules, the Applicants disclosed “[a] description of the geographic areas in which the transferor and transferee (*and their affiliates*) offer domestic telecommunications services, and what services are provided in each area.”²¹ Specifically, Applicants provided information on all affiliates of ABRY that provide domestic telecommunications services, the types of services provided by these affiliates, and the geographic areas in which they operate.²² In addition, as required by the Commission’s rules, the Applicants certified that they (including their affiliates) will hold less than 10% market share and will not be a dominant local carrier.

The Petition expressly acknowledges that this information is in the record. Yet Petitioners speculate that “[i]f ABRY has significant other holdings, it would have strong incentive to orchestrate activities among its interested companies that could cause significant competitive harm. However, without a more detailed disclosure of ABRY’s other interests, it is impossible to assess this possibility.”²³ Petitioners have not explained, nor could they, what holdings ABRY may have that could impact competition.

The Applications demonstrate that ABRY specializes in media and communications investments, and thus is a knowledgeable, sophisticated investor that understands the capital-

²⁰ Petition at 6.

²¹ 47 C.F.R. § 63.04(a)(7) (emphasis added).

²² *E.g.*, T-NETIX Application at 13-15.

²³ Petition at 6.

intensive nature of the telecommunications business and has the financial resources to make such investments. The Applications also reflect that the Applicants' existing management, which has substantial expertise in the operation of inmate telecommunications services, will retain their current management positions, thus ensuring continuity of quality services and compliance with substantial state and federal regulatory requirements of inmate service providers.

VI. THE PETITION SEEKS TO HIJACK AN INDIRECT TRANSFER OF CONTROL TO IMPERMISSIBLY CIRCUMVENT THE FCC'S RULEMAKING PROCESS

The Petition should be expeditiously dismissed or denied because it impermissibly attempts to hijack an indirect transfer of control involving a transferee that is not in the inmate telecommunications service industry, and use this proceeding to circumvent the Commission's notice and comment rulemaking procedures. The issue of the reasonableness of inmate telephone rates is the subject of an ongoing Commission rulemaking in WC Docket 12-375.²⁴ The Securus

²⁴ The issue of the reasonableness of inmate telephone rates is best addressed in the rulemaking. *See AT&T Inc. and BellSouth Corporation, Application for Transfer of Control*, Memorandum Opinion and Order, 22 FCC Rcd 5662, 5681 ¶ 39 (2007) ("We conclude that the merger is not likely to increase significantly the Applicants' incentives to discriminate against rivals, including with respect to services provided to Cingular's rivals. To the extent that the Applicants, prior to the merger, had any incentive or ability to raise rivals' costs or discriminate in the provision of wholesale special access services, those issues are better addressed in pending general rulemaking proceedings."); *Applications filed by Qwest Communications International Inc. and CenturyTel, Inc. d/b/a CenturyLink for Consent to Transfer Control*, Memorandum Opinion and Order, 26 FCC Rcd 4194, 4201 ¶ 18 n.62 (2011) ("Some commenters raise issues that are likewise better addressed in a rulemaking of general applicability or are otherwise not specific to this transaction."). In addition, the entire inmate telecommunications industry is not present within this narrow 214 review and, therefore, making any decision in this proceeding would prejudice other absent members of the industry. *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011, 1028 (D.C. Cir. 1978) ("In short, we are willing to entrust the Agency with wide-ranging regulatory discretion, and even, to a lesser extent, with an interpretive discretion vis-a-vis its statutory mandate, so long as we are assured that its promulgation process as a whole and in each of its major aspects provides a degree of public awareness, understanding, and participation commensurate with the complexity and intrusiveness of the resulting regulations.").

Entities have been very active and substantive participants in that proceeding and its predecessors. The Petitioners also are participating in that proceeding.²⁵

The Commission should continue to address concerns regarding inmate calling rates within WC Docket 12-375. That approach is not only sensible but also comports with the requirements of the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.* (“APA”).²⁶

Here, Petitioners are attempting to use this Transaction to influence policy relating to inmate telecommunications service providers. The instant Petition is an attempt to make an end run around the Commission’s notice-and-comment rulemaking procedures. Their efforts to hold the Applications hostage should not be countenanced.

The Petition’s allegation with respect to rates is irrelevant to this proceeding. Each Application confirms, and the Petition acknowledges, that “[t]here will be no changes in rates, terms or conditions” as a result of the transaction.²⁷ Inmate telephone service provider rates are generally set by tariff or contract with the correctional facilities or states in which they operate. Each Applicant will continue to be subject to the terms and conditions of such tariffs and contracts after

²⁵ Letter from Clarissa Ramon, Public Knowledge, to Marlene H. Dortch, FCC, WC Docket No. 12-375, (Mar. 7, 2013) (providing notice of *ex parte* communication by, among others, Public Knowledge and Cheryl Leanza, Policy Advisor, to Petitioner United Church of Christ); Letter from Cheryl Leanza, Policy Advisor to United Church of Christ, to Marlene H. Dortch, FCC, CC Docket No. 96-128 (July 1, 2011) (“We also generally encouraged the Commissioner [Copps] to grant the Wright Petition in CC Docket 96-128, which would reduce the cost of calling incarcerated individuals and reduce financial burdens on the families of prisoners”). Issues related to inmate telecommunications, including the Petition of Martha Wright which the Petitioners vocally support, were addressed in CC Docket 96-128 until WC Docket 12-375 was established in December 2012.

²⁶ Section 553 of the APA requires that “[g]eneral notice of proposed rule making shall be published in the Federal Register,” and such notice shall include “either the terms or substance of the proposed rule or a description of the subjects and issues involved.” The federal court of appeals for the D.C. Circuit has held that these statutory provisions require federal agencies to provide “sufficient notice” of a forthcoming rule that “affords interested parties a reasonable opportunity to participate in the rulemaking process.” *Forester v. Cons. Prod. Safety Comm’n*, 559 F.2d 774, 787 (D.C. Cir. 1977).

²⁷ *E.g.*, T-NETIX Application ¶ 11.

the proposed change in ownership occurs. Any change in indirect equity ownership will not influence rates.

VII. PETITIONERS LACK STANDING TO OPPOSE THE TRANSACTION

The Petition is procedurally defective because Petitioners lack standing to file the Petition. Section 1.939(d) of the Commission's rules explains that a "petition to deny must contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience and necessity."²⁸ The Petitioners have not met this standard.

In order to establish "party in interest" status, the Petitioners must: (1) "allege facts sufficient to demonstrate that grant of the subject application would cause it to suffer a direct injury"; and (2) "demonstrate a causal link between the claimed injury and the challenged action: it must establish that the injury can be traced to the challenged action and that the injury would be prevented or redressed by the relief requested."²⁹ The Petitioners do not even come close to meeting these requirements.

The Petition does not explain how Commission approval of this indirect transfer of control will cause "direct injury" to Petitioners or their members. Indeed, Petitioners have not provided facts to demonstrate any injury. Nor have they even claimed a "causal link" between the claimed injury and the Transaction. The mere fact the United Church of Christ has members who may use

²⁸ 47 C.F.R. § 1.939(d); *see also* 47 C.F.R. § 63.52(c) ("The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be *prima facie* inconsistent with the public interest, convenience and necessity.").

²⁹ *Applications of AT&T Mobility Spectrum LLC, New Cingular Wireless PCS, LLC, Comcast Corp., Horizon Wi-Com, LLC, NextWave Wireless, Inc., and San Diego Gas & Electric Company For Consent to Assign and Transfer Licenses*, Memorandum Opinion and Order, 27 FCC Rcd 16459, 16465-66 ¶ 16 (2012); *Applications of T-Mobile License LLC, AT&T Mobility Spectrum LLC and New Cingular Wireless PCS, LLC, For Consent To Assign AWS-1 Licenses*, Order, 27 FCC Rcd 4124, 4126 ¶ 6 (2012) ("AT&T Mobility Order") ("*AT&T Mobility Order*").

inmate telecommunications services is clearly insufficient to establish standing.³⁰ They have not demonstrated that the Transaction will impact, let alone cause injury to, any members who may use prison payphones.³¹

The fact that any of the organizations may have advocated for lower inmate telephone charges is completely irrelevant to this proceeding and is insufficient to establish standing.³² As discussed below, any concerns relating to the charges for inmate telephone services are properly addressed in the separate rulemaking to investigate rates charged for inmate telecommunications services.³³ The Transaction that is the subject of the Applications will be completely transparent to the end-users and will not result in any modification of the rates charged by the Applicants for inmate telephone service.

³⁰ See e.g., *Summers v. Earth Island Institute*, 555 U.S. 488, 498 (2009) (to establish standing, an organization must “make specific allegations establishing that at least one identified member had suffered or would suffer harm”); *Chamber of Commerce v. EPA*, 642 F.3d 192, 200-01 (D.C. Cir. 2011) (“Because the Chamber has not identified a single member who was or would be injured by EPA’s waiver decision, it lacks standing to raise this challenge.”).

³¹ See *AT&T Mobility Order*, 27 FCC Rcd at 4126 ¶ 7 (dismissing for lack of standing a petition to deny filed by The Diogenes Telecommunications Project (“Diogenes”) when Diogenes failed to demonstrate that it or any of its members would suffer a direct injury if applications to assign Advanced Wireless Services-1 spectrum licenses were granted).

³² See *Applications of Butte County Cellular License Corp., For facilities in the Domestic Public Cellular Radio Telecommunications Service on Frequency Block A, in Market 215, Chico, California and PacTel Cellular, Inc. of Rome, For facilities in the Domestic Public Cellular Radio Telecommunications Service on Frequency Block A, in Market 373, Chattooga, Georgia*, Memorandum Opinion and Order, 8 FCC Rcd 7894 (1993) (finding that participation in unserved areas rulemaking proceeding was irrelevant to whether organization had standing in a separate and unrelated adjudicatory proceeding).

³³ *Inmate Rate Rulemaking*, 27 FCC Rcd at 16630 ¶ 1 (The Commission “seek[s] comment to refresh the record and consider whether changes to our rules are necessary to ensure just and reasonable ICS rates for interstate, long distance calling at publicly- and privately-administered correctional facilities.”).

VIII. CONCLUSION

For all the forgoing reasons, the Petition should be found procedurally defective and substantively without merit. Therefore, Applicants respectfully request that the Bureau immediately dismiss or deny the Petition and grant the Applications expeditiously.

Respectfully submitted,

**SECURUS TECHNOLOGIES, INC.; T-
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Dated: April 15, 2013

DECLARATION OF DENNIS REINHOLD

I, Dennis J. Reinhold, hereby declare under penalty of perjury

1. I am the Vice President, General Counsel and Secretary of the Securus Entities, and Secretary of Connect Acquisition Corp.;
2. I have read the attached Opposition to the Petition to Deny By Public Knowledge, United Church of Christ, Office of Communications, Inc., Free Press and Rainbow/PUSH Coalition,
3. This declaration is submitted in support of the Opposition; and
4. The allegations of fact contained in the Opposition are true to the best of my knowledge and belief.

Dated: April 15, 2013



Dennis J. Reinhold

CERTIFICATE OF SERVICE

I, Ryan King, certify on this 15th day of April, 2013, a copy of the foregoing "Opposition to the Petition to Deny By Public Knowledge, United Church of Christ, Office of Communications, Inc., Free Press, and Rainbow/Push Coalition" has been served via hand delivery and via Electronic Mail to the following:

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